

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Sacramento)

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THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
MAURICE HARGE,  
  
Defendant and Appellant.

C065238  
  
(Super. Ct. No.  
09F08503)

On November 18, 2009, defendant Maurice Harge sold 0.16 gram of cocaine base to an undercover officer. A search of defendant revealed the prerecorded \$20 bill and five hydrocodone pills. Defendant entered a negotiated plea of no contest to the sale of cocaine (Health & Saf. Code, § 11352, subd. (a)) in exchange for a stipulated state prison sentence of the upper term of five years, the dismissal of the remaining count (possession of hydrocodone pills), and the termination of probation in two other cases.

On March 23, 2010, the court sentenced defendant accordingly. The court awarded 126 actual days and 126 conduct days for a total of 252 days of presentence custody credit.

Defendant appeals. The trial court denied defendant's request for a certificate of probable cause. (Pen. Code, § 1237.5.)

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

#### **DISPOSITION**

The judgment is affirmed.

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RAYE, Acting P. J.

We concur:

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ROBIE, J.

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BUTZ, J.